

7.

**EVENT VIOLATION**  
**INSPECTOR'S STATEMENT**  
**MINERALS REGULATORY PROGRAM**

Company/Mine: Decorative Landscape/T&M Holdings  
Permit #: M/035/023

CO # MC-2005-03-02-01  
Violation # 1 of 1

**SERIOUSNESS**

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input type="checkbox"/>            | a. | Activity outside the approved permit area.                     |
| <input checked="" type="checkbox"/> | b. | Injury to the public (public safety).                          |
| <input checked="" type="checkbox"/> | c. | Damage to property.  |
| <input type="checkbox"/>            | d. | Conducting activities without appropriate approvals.           |
| <input type="checkbox"/>            | e. | Environmental harm.  |
| <input type="checkbox"/>            | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: The operator had mined certain areas and disturbed these areas without first filing a Notice of Intention (NOI).

2. Has the event or damage occurred? Yes.  
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: An area has been disturbed by mining operations, but I do not feel there was any particular danger to the public.

3. Did any damage occur as a result of the violation? Yes.  
4.

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: I believe the damage is mostly confined to the land on which mining operations have occurred, but some sediment may have left the area. I do not know the exact acreage that



has been disturbed by mining but estimate it may be around 20 acres. Most vegetation has been removed in the mining area, but the site matches surrounding topography and will require little/no grading.

**B. DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: The operator did not know it was necessary to submit an NOI.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: \_\_\_\_\_

- ☐ Was the operator in violation of a specific permit condition?

Explanation: \_\_\_\_\_

- ☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: \_\_\_\_\_

Was any economic benefit gained by the operator for failure to comply? Yes  
If yes explain.

Explanation: The operator mined rock without first filing an NOI and was able to use the rock in their landscaping business

**GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies,



describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The cessation order was issued March 17, 2005, and the operator immediately began the process of filing an NOI and the reclamation bond. This information had all been submitted by March 24, 2005, well before the 30-day deadline. The operator has been extremely cooperative in every respect.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: No on site activity was required.

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes. If yes, explain.

Explanation: The operator was required to submit an NOI and a reclamation bond.

Paul B. Baker  
Authorized Representative

LBK  
Signature

3/29/05  
Date

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